

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Morris *et al.*

Appl. No. To be assigned  
(Divisional of U.S. Appl. No. 09/188,166;  
Filed: November 9, 1998)

Filed: Herewith

For: Method of Producing Vitamin  
Powders

Art Unit: To be determined

Examiner: To be determined

Atty. Docket: 1533.0520001/SRL/CMB

**Preliminary Amendment**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants submit the following Preliminary Amendment and Remarks prior to examination on the merits for the captioned application. This Preliminary Amendment is provided in the following format:

- (A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;
- (B) Starting on a separate page, appropriate remarks and arguments. 37 C.F.R. § 1.111 and MPEP 714; and
- (C) Starting on a separate page, a marked-up version entitled: "Version with markings to show changes made."

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper.

However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

*Amendments*

*In the Specification:*

Please amend the specification as follows:

On the first page of the specification, on the line following the title, please insert the following --This Application is a divisional of U.S. Application No. 09/188,166, filed on November 9, 1998, the contents of which are fully incorporated herein by reference.--

*In the Claims:*

Please cancel claims 1-17 without prejudice.

Please substitute the following claim 29 for the pending claim 29:

29. (Once Amended) A composition prepared according to the method comprising mixing silica and liquid mixed tocopherols, wherein said liquid mixed tocopherols are present in amounts of 65 to about 80 weight percent of said vitamin powder, and wherein said silica has a particle size of between 40 and 50 microns.

***Remarks***

Claims 1-17 have been canceled. Upon entry of the foregoing amendment, claims 18-30 are pending in the application, with claims 18, 22, 26 and 29 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Claim 29 has been amended to delete reference to canceled claims, and to insert the contents of the canceled claim.

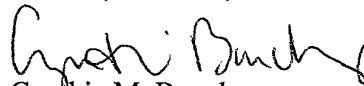
***Conclusion***

Applicants believe the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Preliminary Amendment is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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P105-42.wpd

### *In the Claims*

29. A composition prepared according to the method [of any one of claims 1, 9, 12, or 15] comprising mixing silica and liquid mixed tocopherols, wherein said liquid mixed tocopherols are present in amounts of 65 to about 80 weight percent of said vitamin powder, and wherein said silica has a particle size of between 40 and 50 microns.